

storing in said system personal ordering information;

receiving a programming signal from a program transmission channel in said system, and
sending the programming signal to the audio part to audibly play music pieces included in
said programming signal;

receiving a rider signal corresponding to said music pieces in said system and
storing said rider in a rider buffer;

upon receiving an ordering command, establishing a telephone communication channel
with an ordering center and placing an order for a hard copy of the music piece corresponding to
said rider and said personal ordering information.

REMARKS

1. Specification

Applicant requests the Examiner to accept the substitute specification submitted herewith. The substitute specification provides paragraph enumeration, as provided in current PTO guidelines for new patent applications. Additionally, the substitute specification includes corrections to various grammatical and typographical errors, as noted by the Examiner. No new matter has been added. The claims included in the substitute specification are a clean version of the claims as would be pending after the entry of this amendment.

2. 102(e) Rejection

Claims 1-4, 7 and 8 stand rejected under 102(e) as being anticipated by USP '393. Claims 3, 4, 7 and 8 have been canceled, thereby making this rejection moot with respect to these claims. Claim 1 has been amended to be directed to a combination of specific novel features of the invention.

To begin with, as currently pending, claim 1 specifically recites a "home audio system." USP '393, on the other hand, discloses a mobile radio satellite system. See, e.g., Column 1, lines 12-15: "This invention relates to communication satellites and more particularly to a mobile satellite terminal which allows greatly expanded access by mobile radio users to diverse audio programming sources ..." [emphasis added] Accordingly, USP '393 fails to anticipate claim 1. Moreover, claim 1 recites other features which are not disclosed nor suggested by USP '393.

Specifically, according to one feature of the invention, a user is able to order a hard copy of the playing music, such as a CD, without having to know the name of the artist, of the album, or of the song playing. Rather, when the user hears a piece of music the user likes, the user may simply place an order and the system automatically orders the hard copy, such as a CD or cassette, of the music being played at the time the order was

placed.

In this regard, no disclosure or suggestion is provided in USP '393 for such a system. Rather, USP '393 only discloses an order placed in response to a specific commercial or solicitation: "the user might speak the word ORDER which indicates to place an order of the item being advertised in the advertisement of the program signal." Column 13, lines 48-50. Thus, USP '393 only discloses ordering of an item in response to an advertisement and fails to disclose or suggest the feature of being able to order a CD of music being played on the radio without knowing the necessary information that is normally required in order to buy a CD, such as, for example, the name of the artist or the album.

According to a second feature of the invention, while the program signal is received through one program channel, such as a radio program transmission, the order is placed using a telephone channel. Applicant respectfully submits that USP '393 fails to disclose or suggest these claimed features. Notably, USP '393 teaches only a two-way communication system for reception and transmission of signals. For example, in Figure 2 element 215 is a "satellite RF electronics" that is connected for two way communication with the antenna 201. See, for example, column 6, lines 17-18: "As shown in FIG. 2, a user has transmitter 211, providing the user a two-way communication terminal." As can be

clearly seen, USP '393 contemplates an "integrated radio satellite" that provides a two way communication for the user. Thus, USP '393 fails to disclose or suggest claim 1's limitations of "connecting said home audio system to a telephone;" "receiving a programming signal and a rider signal from a program transmission channel;" and "establish communication with an ordering center via said telephone line." Moreover, since USP '393 already teaches a manner of two-way communication for receiving the program signal and placing an order, no motivation is provided to use a secondary means for placing the order.

Accordingly, Applicant respectfully submits that claim 1 and its dependent claim 2 are allowable over USP '393.

3. 103 Rejection

Claims 5, 6, and 9-12 stand rejected under Section 103 as being obvious from USP '393 in view of the article "Go Wireless." Claims 9 and 11 have been canceled, thereby making the rejection moot with respect to these claims. Claims 5 and 6 depend from claim 1 which, for the reasons stated above, is now allowable. Claim 10 has been amended to recite specific features of the invention that are not taught nor suggested by the cited art or any combination thereof.

Notably, similar to claim 1, claim 10 recites "receiving a programming signal from a program transmission channel," and "establishing a telephone communication channel." USP '393 discloses a two-way communication system for receiving and transmission of communication signals. Since USP '393 already discloses a method for receiving and transmitting information, there is no motivation to modify USP '393 to provide reception through one means and transmission through another. Go Wireless provides no motivation to modify USP '393 and, in fact, adds no new information over what Applicant discloses in the Background of the Invention.

Specifically, even when one considers the entire disclosure of USP '393 in combination with Go Wireless and Applicant's admitted prior art, there is no suggestion or motivation to come up with Applicant's invention which enables reception of music program transmission, such as, for example, by regular FM radio, and the ability to place a music order corresponding to the music being played on the audio system. Accordingly, Applicant respectfully submits that claim 10 and its dependent claim 12 are allowable over the prior art.

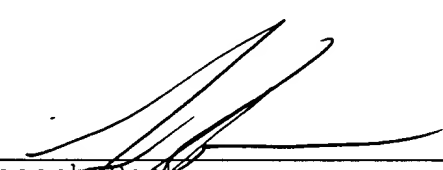
For all the forgoing reasons, Applicant respectfully request allowance of all the pending claims. If for any reason the Examiner finds this application in condition other than allowable,

PATENT APPLICATION

Box AMENDMENT

the Examiner is invited to call Applicant to discuss the steps necessary to place this application in condition for allowance.

Respectfully submitted,



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APPENDIX A

MARKED VERSION OF AMENDED CLAIMS

1. (Once Amended) An interactive [merchandising] audio system, comprising:

a home audio system having a user interface;

a communication device connecting said home audio system to a telephone;

an audio player receiving music signal and audibly playing music pieces from said music signal;

a rider buffer storing data corresponding to said music pieces;

a main processor receiving a programming signal and a rider signal from a program transmission channel and directing said programming signal to the audio player and storing the rider signal in the rider buffer;

an ordering interrupter;

wherein upon receiving a command from the user interface, said ordering interrupter instructs the communication device to establish communication with an ordering center via said telephone, and places an order for a hard copy of the music piece corresponding to the [rider] data stored in said rider buffer.

10. (Once Amended) A method for [merchandise] music order placement using a system having an audio part, comprising:

storing in said system personal ordering information;

receiving a programming signal from a program transmission channel in said system and

sending the programming signal to the audio part to audibly play music pieces included in said programming signal;

receiving a rider signal corresponding to said music pieces in said system and storing said rider in a rider buffer;

upon receiving an ordering command, establishing a telephone communication channel with an ordering center and placing an order for a hard copy of the music piece corresponding to said rider and said personal ordering information.